

Message Text

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C O N F I D E N T I A L STATE 205766

E.O. 11652:GDS

TAGS: SHUM, SREF, PGCV, TH

SUBJECT: HUMAN RIGHTS DEVELOPMENTS IN THAILAND

REF: BANGKOK 18800

SUMMARY: DEPUTY ASSISTANT SECRETARY OAKLEY INFORMED
AMBASSADOR ARUN OF OUR CONCERN OVER THE UPCOMING TRIAL OF
THE OCTOBER 6 DETAINEES IN A MILITARY COURT, THE APPARENT
RTG REVERSAL OF REFUGEE POLICY, AND RTG ACTIONS AGAINST
THAI LABOR UNIONS AND AAFLI. ARUN STRESSED THAT MILITARY
COURT PROCEDURES WERE NORMAL UNDER THAI LAW FOR CERTAIN
TYPES OF CRIMES AND DID NOT INVOLVE SUMMARY JUSTICE UNDER
ARTICLE 21 OF THE CONSTITUTION. HE SAID HE WOULD ASK
BANGKOK FOR INFORMATION ON REFUGEE AND LABOR UNION POLICY.
ACTION REQUESTED: CHARGE SHOULD RAISE THESE THREE PROB-
LEMS WITH PRIME MINISTER SOON. END SUMMARY

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1. AT ACTING ASSISTANT SECRETARY OAKLEY'S REQUEST,
AMBASSADOR ARUN CALLED AT DEPARTMENT AUGUST 25. OAKLEY
OUTLINED THREE RECENT DEVELOPMENTS IN THAILAND WHICH HAD
THE POTENTIAL FOR CREATING SUBSTANTIAL MISUNDERSTANDING IN
THE U.S. HE SAID THAT WHILE RTG MAY HAVE ITS OWN REASONS
FOR TAKING THESE ACTIONS, AND IT IS CERTAINLY THE PRERO-
GATIVE OF RTG TO DO SO, IT IS THE DUTY OF THE DEPARTMENT

OF STATE TO WORK WITH AMBASSADOR ARUN IN ORDER TO ENSURE THAT THE RTG UNDERSTANDS THE IMPACT THESE ACTIONS COULD HAVE ON US-THAI RELATIONS.

2. OAKLEY SAID THAT WE HAD BEEN INFORMED BY EMBASSY BANGKOK THAT THE RTG HAS DROPPED CHARGES ON ALL BUT 18 OF THE OCTOBER 6 DETAINEES. THE 18 WILL BE TRIED IN A MILITARY COURT WITH NO DEFENSE LAWYERS PRESENT. MR. OAKLEY NOTED PREVIOUS ASSURANCES BY RTG OFFICIALS THAT THE STUDENTS WOULD RECEIVE A FAIR TRIAL. WHEREAS THE MILITARY COURT PROCEDURE MAY BE NORMAL FOR THAILAND IT WOULD NOT BE UNDERSTOOD IN THE U.S. AS CONSTITUTING A FAIR TRIAL. THE DECISION TO BRING DETAINEES TO TRIAL OR RELEASE THEM, AND NOT TO APPLY ARTICLE 21, IS FULLY CONSONANT WITH EARLIER CONVERSATIONS BETWEEN RTG AND U.S. OFFICIALS. HOWEVER, THE USE OF MILITARY COURT PROCEDURES IS LIKELY TO STIMULATE RENEWED CONGRESSIONAL INTEREST AND CONCERN OVER OCTOBER 6 DETAINEES.

3. ARUN RESPONDED THAT THERE WAS A DIFFERENCE BETWEEN A MILITARY COURT AND A COURT MARTIAL, THE LATTER BEING USED ONLY FOR MILITARY OFFENDERS. UNDER CURRENT THAI LAW, HOWEVER, CERTAIN CRIMINAL CASES HAD TO BE TRIED IN A MILITARY COURT. THIS APPLIED TO ALL THAI CITIZENS AND WAS NOT JUST BEING USED AGAINST THE OCTOBER 6 DETAINEES. CONFIDENTIAL

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HE CONFIRMED THAT THERE WOULD BE NO LAWYER FOR THE DEFENSE AND ADDED THAT THERE COULD BE NO APPEAL OF THE COURT'S DECISION. ARUN STRESSED, HOWEVER, THAT THIS WAS PROPER LEGAL PROCEDURE UNDER THE LAWS OF THAILAND AND THAT SUMMARY JUSTICE UNDER ARTICLE 21 WAS NOT BEING EMPLOYED.

4. MR. OAKLEY THEN RAISED THE PROBLEM OF A POSSIBLE RTG POLICY SHIFT ON THE REFUGEE QUESTION. HE RECALLED U.S. ACTIONS DESIGNED IN PART TO EASE THE REFUGEE BURDEN FOR THAILAND, INCLUDING THE RECENT DECISION TO ACCEPT 15,000 MORE REFUGEES. THE U.S. HAS ALSO INFORMED THE RTG ON SEVERAL OCCASIONS AT HIGH LEVELS OF OUR WILLINGNESS TO HELP WITH RESETTLEMENT AND TO ENCOURAGE OTHER COUNTRIES TO ACCEPT MORE REFUGEES. RTG EFFORTS TO AID REFUGEES HAD BEEN ACCLAIMED FAVORABLY IN U.S., INCLUDING CONGRESS, AND RTG OFFICIALS HAVE CALLED ATTENTION TO THESE EFFORTS. IF THE RTG WERE NOW TO START RETURNING REFUGEES TO THEIR FORMER HOMES AGAINST THEIR WILL, THIS WOULD BE SEEN AS A REVERSAL OF POLICY, COULD DAMAGE USG EFFORTS TO BE HELPFUL, AND WOULD COST RTG SOME OF CREDIT IT HAS GAINED IN U.S.

5. AMBASSADOR ARUN SAID HE WAS NOT SURE THAT THERE HAD

BEEN ANY CHANGE IN RTG POLICY AND THAT THE COMMENTS ON POSSIBLE CHANGES IN PROCEDURES MIGHT BE ONLY OFFICIALS

TALKING INFORMALLY. HE PROMISED TO SEEK GUIDANCE ON THE QUESTION. ARUN SAID THAT ONE OF THE REASONS THAT RTG MAY BE RECONSIDERING CERTAIN ASPECTS OF ITS REFUGEE POLICY COULD BE THE DIFFICULTIES THEY HAVE BEEN HAVING ALONG THE THAI-CAMBODIAN BORDER AND THE HIGH EMOTION THIS HAS AROUSED WITHIN THAILAND.

6. MR. OAKLEY THEN POINTED TO THE UNFORTUNATE LABOR UNION SITUATION, MENTIONING THE AUGUST 2 DECISION SUSPENDING AAFLI ACTIVITY AND THE AUGUST 11 DECISION DECLARING PUBLIC SECTOR UNIONS ILLEGAL. HE ADDED THAT AS A DIRECT RESULT
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AAFLI WAS NOW PRESSING AFL-CIO TO ISSUE A RESOLUTION CONDEMNING RTG LABOR UNION POLICY. IT IS EXCEEDINGLY UNFORTUNATE, SEEN FROM WASHINGTON, FOR RTG TO INCUR ANIMOSITY OF AFL-CIO, PARTICULARLY SINCE LATTER HAD PREVIOUSLY BEEN SYMPATHETIC.

7. ARUN SAID THIS INDEED WAS SERIOUS AND THAT HE WOULD REPORT THE PROBLEM TO BANGKOK. HE EXPRESSED HIS VIEW THAT THE RTG SHOULD CONSIDER ITS EXTERNAL IMAGE AS WELL AS INTERNAL FACTORS IN THESE DECISIONS.

8. MR. OAKLEY AGAIN STRESSED THE POTENTIAL FOR MISUNDERSTANDING IN THIS COUNTRY, ESPECIALLY WITH ALL THREE PROBLEMS COMING AT ABOUT THE SAME TIME. IMPRESSION CREATED COULD BE SUCH AS TO COST RTG MUCH OF CREDIT AND SYMPATHY IT HAS BUILT UP. THIS WOULD BE UNFORTUNATE SINCE USG ATTACHES GREAT IMPORTANCE TO MAINTENANCE OF ITS RELATIONSHIP WITH THAILAND.

9. ACTION REQUESTED: CHARGE SHOULD MAKE SIMILAR APPROACH TO PRIME MINISTER ALONG LINES OF OAKLEY PRESENTATION, POINTING TO PROBLEMS RTG ACTION IN THESE THREE AREAS WILL CAUSE WITH CONGRESS, LABOR, AND OTHER ELEMENTS IN THE U.S. YOU SHOULD, OF COURSE, POINT OUT AS OAKLEY DID THAT THESE ARE INTERNAL THAI POLICY DECISIONS AND THAT WE HAVE NO DESIRE TO INTERFERE IN RTG AFFAIRS. HOWEVER, WE MUST IN ALL FAIRNESS POINT OUT THAT THE DECISIONS COULD HAVE SERIOUS NEGATIVE IMPACT ON THE RTG IMAGE IN THE U.S. AND HINDER OUR ABILITY TO ASSIST THE RTG. VANCE

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